

basketball title ever to the Valley of the Sun.

The Mercury became the first team in WNBA history to clinch the league title on the road when it defeated the Detroit Shock in Detroit on September 16 to win the championship series 3-2. The Mercury relied on a variety of stars, from point guard Cappie Pondexter to former Connecticut star Diana Taurasi. Penny Taylor, Kelly Miller and Tangela Smith also averaged in double figures as the Mercury set the league scoring record for the second straight year.

I remember back in the 1960s when I was in college and things were a tad more sexist. You had half-court basketball. It has sure changed today when you watch the women in the WNBA outshoot and do things that most males wouldn't dream of being able to do. It has truly emerged as an increasingly popular sport and impressive sport.

It is no coincidence that all the high scoring occurred under the watch of Coach Paul Westhead, a Shakespearean scholar who taught actual classes while serving as a men's basketball coach. He devised a style 20 years ago as coach at Loyola Marymount that made the Los Angeles school the epicenter and really the founder of the high-scoring. I shouldn't have said that quite that way because there were others who did run-and-gun basketball, but Loyola Marymount was the first team that regularly scored more than 100 points. He took that show to George Mason University in Northern Virginia before returning to the pro game as an assistant a few years later.

In 2005, he resurfaced in Phoenix and helped turn a middle-of-the-pack team into a champion. At 68, with titles in both the NBA and WNBA to his credit, he has resigned, but not before helping to bring a trophy to a city that has long waited for one.

Congratulations to Coach Westhead and to all the Mercury and its fans.

Mr. PASTOR. Madam Speaker. It is with great pleasure that I rise today to congratulate the Phoenix Mercury on becoming the 2007 winner of the Women's National Basketball Association Championship on September 16, 2007, in the final game of a five-game series that Phoenix won by an impressive 108-92 score.

This is the first championship for the Phoenix Mercury, and the first title won by a road team in the league's history. The event also places the Mercury Coach, Paul Westhead, in the unique position of being the first coach to ever lead a team to a championship in both the National Basketball Association and the WNBA courts.

The WNBA started 11 years ago. Since that time, its fan base has continued to grow each year as more and more sports enthusiasts have become appreciative of the athletic talents of women. This year's victory game, in which the Mercury posted a 73.3 shooting percentage in the first quarter, clearly shows that women have rightfully earned a spot in the limelight of this sport.

The magic events of the September 16th game created an impressive run of records

that are truly deserving of recognition. Therefore, I am very proud of to have sponsored this resolution honoring the Phoenix Mercury, a superb team that has combined hard-work, sportsmanship, raw talent, and a will to win into a modern day success story—a success that was aided by great coaching and a strong front office organization led by owner Robert Sarver. I am most certainly wishing them all the best as they continue to bring outstanding basketball in the future to fans worldwide.

As Coach Westhead recently quoted when referencing this victory and which serves as a thoughtful reminder to all walks of life, "Isn't it amazing how much can be accomplished when no one cares who gets the credit?"

Mr. SOUDER. Madam Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 654.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CHILDREN'S GASOLINE BURN PREVENTION ACT

Mr. RUSH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 814) to require the Consumer Product Safety Commission to issue regulations mandating child-resistant closures on all portable gasoline containers, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 814

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Gasoline Burn Prevention Act".

SEC. 2. CHILD-RESISTANT PORTABLE GASOLINE CONTAINERS.

(a) **CONSUMER PRODUCT SAFETY RULE.**—The provision of subsection (b) shall be considered to be a consumer product safety rule issued by the Consumer Product Safety Commission under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

(b) **REQUIREMENTS.**—Effective 6 months after the date of enactment of this Act, each portable gasoline container manufactured on or after that date for sale in the United States shall conform to the child-resistance requirements for closures on portable gasoline containers specified in the standard ASTM F2517-05, issued by ASTM International.

(c) **DEFINITION.**—As used in this Act, the term "portable gasoline container" means any portable gasoline container intended for use by consumers.

(d) **REVISION OF RULE.**—If, after the enactment of this Act, ASTM International proposes to revise the child resistance requirements of ASTM F2517-05, ASTM International shall notify the Consumer Product Safety Commission of the proposed revision and the proposed revision shall be incorporated in the consumer product safety rule under subsection (a) unless, within 60 days of such notice, the Commission notifies

ASTM International that the Commission has determined that such revision does not carry out the purposes of subsection (b).

(e) **IMPLEMENTING REGULATIONS.**—Section 553 of title 5, United States Code, shall apply with respect to the issuance of any regulations by the Consumer Product Safety Commission to implement the requirements of this section, and sections 7 and 9 of the Consumer Product Safety Act shall not apply to such issuance.

(f) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Consumer Product Safety Commission shall transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on—

(1) the degree of industry compliance with the standard promulgated under subsection (a);

(2) any enforcement actions brought by the Commission to enforce such standard; and

(3) incidents involving children interacting with portable gasoline containers (including both those that are and are not in compliance with the standard promulgated under subsection (a)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. RUSH) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. RUSH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RUSH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this is the first of four consumer protection bills on floor of the House of Representatives that the Subcommittee on Commerce, Trade and Consumer Protection reported on July 30, and the Committee on Energy and Commerce subsequently reported on September 27.

The final versions of these bills have all been crafted in a thoroughly bipartisan manner and in close consultation with the Consumer Product Safety Commission. The committee staff, both majority and minority, should be commended for the hard work they put into these bills to ensure that they are thoughtful, careful, and bipartisan pieces of legislation.

H.R. 814, the Children's Gasoline Burn Prevention Act, was introduced by Congressman DENNIS MOORE and Congressman SPENCER BACHUS.

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It requires child-resistant caps on gasoline cans, whether they are sold with or without gasoline. Currently, the law only requires such safety caps on cans sold with gasoline in the can. The absence of a requirement for child-resistant caps on empty gasoline cans makes no sense, and this bill addresses this dangerous inconsistency.

At subcommittee, we passed an amendment in the nature of a substitute which reflected arcane and

technical changes to the bill as recommended by the staff of the CPSC. As a consequence, the bill, as amended, employs the regulatory model used for automatic garage door openers to formulate safety requirements, which has proven to be a very successful regulatory model over the years for the CPSC.

This is a good bill, Madam Speaker, and I want to commend our colleagues, Mr. MOORE and Mr. BACHUS, for their bipartisan work. I urge a "yes" vote.

Madam Speaker, I reserve the balance of my time.

Mr. STEARNS. Madam Speaker, it's a great opportunity to see you in the Speaker's chair today.

I would like to commend, obviously, Congressman MOORE for his dedication and his determination to move H.R. 814, the Gasoline Burn Prevention Act. He has been, Madam Speaker, and as my colleague knows, the chairman of the committee has been tireless in his efforts to ensure portable gasoline containers are fitted with child-resistant caps, and that is simply what this legislation does. This bill mandates that all portable gas cans sold in this country be equipped with child-resistant caps.

I'd like to note, however, that mandating the standard is not a substitute for preventing access to gasoline. In fact, all prepackaged gas containers are required to be sold with child-resistant caps. And empty gas containers, which this legislation addresses, are now sold with such caps as a matter of compliance with a voluntary industry standard. Let me repeat. The industry has complied with this on a volunteer basis. The very standard that this bill adopts, industry has voluntarily complied with and set up themselves or in compliance with State environmental laws requiring child-resistant and spill-resistant caps.

As a consequence, I'm just a bit concerned about this legislation. Not, obviously, because of its substance, but simply because of the precedents that we have here, Congress, how we will treat industry who voluntarily step out, set their standards, comply with it and do it themselves. So when the industry is in compliance and did so voluntarily, why does the United States Federal Government need to get involved? Requirements of the Consumer Product Safety Act establish the CPSC should only promulgate a standard when no industry or other standard exists, or when an existing standard is inadequate or is not being complied with at large. But, again, industry in compliance; did so voluntarily. So why does the United States Government have to step in?

I'm concerned that we'll send a message to industry that even when you do things correctly, you adopt the standards voluntarily, and you comply with them, Congress will not hesitate to intercede, turning an industry standard into a commission rule while bypassing the requirements of the Administrative Procedures Act.

Now, think about that. They adopt the standards, they comply with it, they do it themselves; Congress still intervenes and adopts what the industry put as a standard as part of a bill here. If turning industry standards into agency rules becomes regular practice around here, it could severely diminish the willingness of industry to develop standards on their own because, be careful what you ask for. The industry will say to themselves, lo and behold, we work hard, we developed this voluntarily, this standard, bingo. They come back and they might take the standard, and not only take the standard, but the standard plus one, plus two, plus three.

So I worry that these additional layers of regulation liability, and of course there's liability when the Federal Government steps in, on the manufacturing industry, particularly when the industry complies, simply complies with the industry standards, are unnecessary in many cases, and often contribute to the loss of U.S. manufacturing jobs because of the concern about liability.

Now, having said all that, Madam Speaker, expressing my concerns of the unintended precedent, I obviously support this bill because the bill, in effect, is a reasonable effort that may, perhaps will, reduce danger to children. And so for that, Madam Speaker, I commend Congressman MOORE. I just think it establishes a precedent that we, on this committee, Commerce, Consumer Protection and Trade, have to be careful about.

Madam Speaker, I yield back the balance of my time.

Mr. RUSH. Madam Speaker, I want to assure everybody that, in spite of the polemics, this is a bipartisan bill, and we do have bipartisan agreement.

Mr. MOORE of Kansas. Madam Speaker, I rise today in support of H.R. 814, the Children's Gasoline Burn Prevention Act.

While they say that good things come to those who wait, victims of a gasoline burn due to non-child-resistant gasoline container closures and their families would disagree. This is the fourth Congress in which I have introduced this measure. For the past two, I have been joined by my friend and colleague from Alabama, Representative SPENCER BACHUS. Our children have waited long enough for this common sense consumer protection.

The 1973 Poison Packaging Prevention Act requires items containing dangerous or poisonous materials, such as pill bottles, to be sold with child-resistant caps. Gasoline cans, however, are exempt from this requirement because they are sold empty, even though they are designed solely to contain one very hazardous, highly flammable liquid. H.R. 814 would simply amend section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), to include child-resistance standards for closures on all portable gasoline containers.

Allowing these cans to be sold with simple twist-off caps is dangerous and causes tragic accidents when children come into contact with them. Unfortunately, these accidents occur all too frequently. In 2003, the Consumer Product Safety Commission, CPSC, re-

leased a report estimating that in a single year; more than 1,200 children under the age of five were treated in emergency rooms for injuries resulting from unsecured gas cans, either through fires or inhalation of fumes. Using a different data set, the CPSC confirmed 19 deaths over eleven years due to children interacting with gas cans.

H.R. 814 has been endorsed by the American Society of Testing and Materials' Task Group of Standards for Flammable Liquid Containers, the World Burn Foundation, the National Safety Council, the American Academy of Pediatrics, the National Fire Protection Association, Public Citizen, and the Office of the Kansas State Fire Marshal.

In addition, H.R. 814 would not cost the taxpayers any money and is strongly bipartisan.

During the 109th Congress, the Children's Gasoline Burn Prevention Act garnered 119 cosponsors, 14 of whom were Republicans. This Congress, it is again a strongly bipartisan bill.

Thank you again, Madam Speaker, for the opportunity to vote on this proposal in the full House. I hope that we can work together to enact this simple, common-sense measure that will protect young children, and help put their parents' minds at ease with regard to gasoline cans stored in garages, basements, and back porches. The Consumer Product Safety Commission must be allowed to adequately protect consumers and ensure public safety. This measure will help do that.

Mr. WAXMAN. Madam Speaker, I rise today to support H.R. 814, a commonsense bill that will protect children from severe harm.

The Children's Gasoline Burn Prevention Act will resolve a long-standing loophole in Federal law. For more than 30 years, we have required that household hazardous materials be sold in child resistant containers. Gasoline cans were exempt from this requirement for one simple reason. They are sold empty. They do not hold any hazardous material when they are purchased.

This is a meaningless distinction—the sole purpose of these cans is to hold gasoline, a highly flammable and dangerous material. This bill will require that companies sell cans that children can't open.

I worked with my colleague DENNIS MOORE to introduce a similar bill last Congress, after I learned about young children who were killed or permanently injured in fires that began when the children accidentally opened a gas can. Stephen Diaz, a California boy, is just one example. He opened a gas can in his family garage and knocked it over. The fumes ignited, and he was burned over half of his body. This fire, and many others, could and should have been prevented.

I am pleased that the bill has been reintroduced this Congress and is on the floor today. The Children's Gasoline Burn Prevention Act is a simple but important piece of legislation that I urge my colleagues to support.

Mr. RUSH. I yield back the balance of my time.

The SPEAKER pro tempore (Ms. BERKLEY). The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 814, as amended.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DANNY KEYSAR CHILD PRODUCT SAFETY NOTIFICATION ACT

Mr. RUSH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1699) to direct the Consumer Product Safety Commission to require certain manufacturers to provide consumer product registration forms to facilitate recalls of durable infant and toddler products.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1699

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Danny Keysar Child Product Safety Notification Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Unintentional injuries are the leading cause of death among children, and for every such injury that is fatal, approximately 18 children are hospitalized and 1,250 are treated by emergency departments for such injuries that are nonfatal.

(2) According to the Consumer Product Safety Commission, an average of 50 children under the age of 5 die each year in incidents associated with nursery products, and about 16 of these deaths each year are associated with cribs.

(3) In 2003, an estimated 60,700 children under the age of 5 were treated in United States hospital emergency rooms for injuries associated with nursery products, and there were 10,700 injuries to children under the age of 5 years associated with strollers alone.

(4) Of the 397 recalls issued by the Consumer Product Safety Commission in fiscal year 2005, 109 (or 27 percent) were children’s products. Children’s products were recalled, on average, over 2 times per week, and accounted for 19,635,627 individual units.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term “Commission” means the Consumer Product Safety Commission.

(2) DURABLE INFANT OR TODDLER PRODUCT.—The term “durable infant or toddler product”—

(A) means a durable product intended for use, or that may be reasonably expected to be used, by children under the age of 5 years; and

(B) shall include—

- (i) full-size cribs and nonfull-size cribs;
- (ii) toddler beds;
- (iii) high chairs, booster chairs, and hook-on chairs;
- (iv) bath seats;
- (v) gates and other enclosures for confining a child;
- (vi) play yards;
- (vii) stationary activity centers;
- (viii) infant carriers;
- (ix) strollers;
- (x) walkers;
- (xi) swings; and
- (xii) bassinets and cradles.

SEC. 4. CONSUMER PRODUCT REGISTRATION FORMS.

(a) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Commission shall, pursuant to its authority under section 16(b) of the Consumer Product Safety Act (15 U.S.C. 2065(b)), promulgate a final consumer product safety rule to require manufacturers of durable infant or toddler products—

(1) to provide consumers with a postage-paid consumer registration form with each such product;

(2) to maintain a record of the names, addresses, email addresses, and other contact information of consumers who register their ownership of such products with the manufacturer in order to improve the effectiveness of manufacturer campaigns to recall such products; and

(3) to permanently place the manufacturer name and contact information, model name and number, and the date of manufacture on each durable infant or toddler product.

(b) REQUIREMENTS FOR REGISTRATION FORM.—The registration form required to be provided to consumers under subsection (a) shall—

(1) include spaces for a consumer to provide their name, address, telephone number, and email address;

(2) include space sufficiently large to permit easy, legible recording of all desired information;

(3) be attached to the surface of each durable infant or toddler product so that, as a practical matter, the consumer must notice and handle the form after purchasing the product;

(4) include the manufacturer’s name, model name and number for the product, and the date of manufacture;

(5) include a message explaining the purpose of the registration and designed to encourage consumers to complete the registration;

(6) include an option for consumers to register through the Internet; and

(7) include a statement that information provided by the consumer shall not be used for any purpose other than to facilitate a recall of or safety alert regarding that product.

In issuing regulations under this section, the Commission may prescribe the exact text and format of the required registration form.

(c) RECORD KEEPING AND NOTIFICATION REQUIREMENTS.—The standard required under this section shall require each manufacturer of a durable infant or toddler product to maintain a record of registrants for each product manufactured that includes all of the information provided by each consumer registered, and to use such information to notify such consumers in the event of a voluntary or involuntary recall of or safety alert regarding such product. Each manufacturer shall maintain such a record for a period of not less than 6 years after the date of manufacture of the product. Consumer information collected by a manufacturer under this Act may not be used by the manufacturer, nor disseminated by such manufacturer to any other party, for any purpose other than notification to such consumer in the event of a product recall or safety alert.

(d) STUDY.—The Commission shall conduct a study at such time as it considers appropriate on the effectiveness of the consumer registration forms in facilitating product recalls. Not later than 4 years after the date of enactment of this Act, the Commission shall report its findings to Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. RUSH) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. RUSH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RUSH. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, H.R. 1699, the Danny Keysar Child Product Safety Act was introduced by the vice chairwoman of the Subcommittee on Commerce, Trade and Consumer Protection, Ms. SCHAKOWSKY, and Mr. UPTON, a senior member of the Energy and Commerce Committee. The bill is named after 16-month-old Danny Keysar, who tragically and senselessly died when his defective portable crib collapsed and strangled him to death. Unbeknownst to Danny’s poor parents and caregiver, the crib was subject to a voluntary recall 5 years earlier.

H.R. 1699 directs the Consumer Product Safety Commission to require manufacturers of certain nursery products to create a voluntary registry to facilitate the efficacy of recall of those products when they occur. Under the bill, when a consumer buys one of 12 types of everyday durable nursery products as defined by statute, such as cribs, high chairs, bath seats and strollers, the manufacturer must provide the consumer with a postage-paid postcard. Parents will have the option to fill out the postcard and register with the manufacturer by mail or, alternatively, by e-mail so that they can be immediately notified if the product is the subject of a recall. The information on these postcards cannot be used for marketing or any other purpose than to notify consumers of the recall. It’s worth noting, Madam Speaker, that this registry is based on an existing successful program for child car seats maintained by the National Highway Transportation Safety Administration.

It’s also worth noting that this bill is extremely timely, given the recent recall of infant cribs made by the company Simplicity, because of the strangulation hazard the defective cribs posed to young toddlers. Moreover, numerous press reports have recently cited just how ineffective product recalls can be. Unfortunately, parents are often unaware of defective recall products, and they remain in homes posing danger to children, as was the case with Danny Keysar. Indeed, in recent years, the CPSC has increasingly issued expanded recalls of products that have already been the subject of recalls, because the Commission continues to be vigilant and to receive injury reports on defective products. H.R. 1699 will go a long way towards remedying this problem and empowering parents to become aware of infant product recalls immediately after they are our initiated.

Madam Speaker, I urge all of the Members of the House to vote for this excellent bill.

Madam Speaker, I reserve the balance of my time.

Mr. STEARNS. Madam Speaker, my colleagues, this bill aims to improve